City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD

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CITY COUNCIL

April 18, 2019

The Honorable Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, CA 95814

RE: Assembly Bill 1184 (Gloria) Public Records: writing transmitted by electronic mail: retention. - OPPOSE

Dear Assemblymember Stone:

The City of West Hollywood's opposes AB 1184 Public Records: writing transmitted by electronic mail: retention.

While the City of West Hollywood supports the underlying intention of AB 1184 to further increase transparency; the burden of retaining all writings transmitted via electronic mail for a minimum of two years would be detrimental to the City. The City does not have the infrastructure or the resources to back up and store large volumes of emails; nor does it have the tools to search and retrieve records in response to discovery and public records requests, to comply with this proposed mandate.

Currently, the City's email retention policy is 30 days. However, electronic communications intended to be retained in the ordinary course of business are recognized and retained by the user as official records in need of preservation, in accordance with the California Public Records Act.

The City has 350 email boxes and receives roughly 3,980,376 emails per year (2,467,800 external and 1,512,576 internal emails). Therefore the retention of two years' worth of emails would double that current amount, putting a substantial strain on the City's systems. Most of these emails may be characterized as "notes" (e.g., "can we reschedule our meeting?" or "Join us in celebrating John's birthday in the lunchroom"). A lot of the email traffic is categorized as spam, advertisements or subscriptions, etc., which are routinely deleted by the user almost immediately upon receipt to avoid running out of email space.

Approval of AB 1184 would mean that the City would be obligated to retain malicious emails containing malware that could potentially expose the City to security breaches, thus resulting in thousands of dollars to remove the malware and possibly millions in judicial litigation, as a result of personal information and/or other protected information being exposed. In addition, the City would incur increased costs in order to provide the archiving functionality, the ability to search through voluminous amounts of emails, and the need to extract relevant records responsive to discovery and public records requests. The City would also incur additional costs associated with the legal review for disclosable records, as well as costs for additional Information Technology and City Clerk staff time, and/or staff, to be able to comply with this mandate.

The City of West Hollywood has made, and continues to make great efforts to maximize transparency in all governmental actions. In recent years, the City has opened up its records so that the public can easily access databases and obtain information. As part of these ongoing efforts, in December 2018, the City Council approved the 2019-2020 Legislative Priorities. One of the sections of the priorities is focused on Institutional Integrity (II). Priority II 1 states: "Support greater transparency in all levels of governmental institutions." However, the City must balance the need for greater transparency with the reality of conducting business for and on behalf of the public in a cost-effective and practical manner. AB 1184 is an unreasonable State mandate with no planned reimbursement for the resources that will have to be allocated to comply with the new extended record retention period under AB 1184.

Therefore, for the reasons stated above, the City of West Hollywood must reluctantly oppose AB 1184 and urges a "no" vote in the Assembly Judiciary Committee..

Respectfully,

John D'Amico
MAYOR

Cc: Hon Todd Gloria, AD 78